

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:)
)
FAIRVUE CLUB PROPERTIES, LLC,) Bk. No. 09-13807
) Chapter 11
)
Debtor.) Judge Paine

AGREED ORDER RESOLVING OBJECTION TO CONFIRMATION

WHEREAS, the above-referenced debtor commenced a voluntary case under Chapter 11 on or about December 1, 2009;

WHEREAS, the parties agree to resolve the Service's objection to confirmation set for hearing on October 6, 2010, with the items set forth below as evidenced by the signature of their counsel;

WHEREAS, the parties agree that the Internal Revenue Service filed an amended proof of claim asserting an unsecured priority claim of \$61,058.29 and an unsecured general claim of \$8,465.68;

WHEREAS, the parties agree to the items set forth below as evidenced by the signature of their counsel, it is

ORDERED, that the debtor's Plan is amended to add the following default language to Section 4.03 of the plan:

In regards to Allowed Claims for federal taxes, the discharge of any debt owed to the Internal Revenue Service ("IRS") under this Plan shall not be effective until the federal taxes provided for under this Plan have been paid in full. Notwithstanding Paragraph 8.02 hereunder, if the debtor fails to make any payment required by the confirmed Plan to the IRS, make any deposits of any currently accruing employment tax liability, make any payment of any tax to the IRS within 20 days of the due date of such deposit or payment, or fails to file any required federal tax return by the due date of such return and pay any outstanding tax liability shown on the return at the time the return is filed, then the United States may declare that the Reorganized Debtor is in default of the Plan. Failure to declare a default does not constitute a waiver by the

United States of the right to declare that the debtor is in default. If the United States declares a Debtor to be in default under the Plan, then the entire imposed liability, together with any unpaid current liabilities, shall become due and payable immediately upon written demand to the Debtor. If full payment is not made within ten (10) days of such demand, then the IRS may collect any unpaid liabilities through the administrative collection provisions of the Internal Revenue Code.

THIS ORDER WAS SIGNED AND ENTERED
ELECTRONICALLY AS INDICATED AT THE
TOP OF THE FIRST PAGE

APPROVED FOR ENTRY:

/s/William L. Norton, III

WILLIAM L. NORTON, III

Attorney for Debtor

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